

REMARKS/ARGUMENTS

The present application has been reviewed in light of the Office Action mailed April 21, 2004. Claims 1-15 are currently pending in the application, of which, claims 5-7, 9, 10 and 12 are withdrawn, and claims 1, 8 and 15 are amended. Reconsideration of the present application, as amended, is respectfully requested.

Applicant has been required, under 35 U.S.C. §121, to elect a single disclosed species for prosecution on the merits.

Accordingly, as indicated in the telephone interview of April 15, 2004, Applicant provisionally elects, without traverse, to prosecute the invention of FIGS. 21-23, i.e., claims 1-4, 8, 11 and 13-15. As such, claims 5-7, 9, 10 and 12 have been withdrawn from the present application.

Applicant reserves the right to present withdrawn claims 5-7, 9, 10 and 12 in a divisional application.

Claims 1-4, 8, 11 and 13 are rejected under 35 U.S.C. §102(b) as being anticipated by Kindorf (U.S. Patent 2,784,812). It is respectfully submitted that claims 1 and 8, as amended herein, are allowable over the Kindorf Patent.

It is respectfully submitted that the Kindorf Patent fails to teach and/or suggest claim 1. Claim 1, presently recites an article support apparatus for use with a raised floor system including a plurality of support pedestals, stringer elements extending between support pedestals, and floor panels disposed atop the string elements, the support apparatus comprising, *inter alia*, an article support member ***operatively disposed between***

adjacent stringer elements, the article support member being configured to support articles thereon; and at least one mounting mechanism connectable *between* the article support member and at least one stringer element, the mounting mechanism adapted to mount the article support member to at least one stringer element of a raised floor system such that the article support member depends from the at least one stringer element.

Rather, Kindorf, as seen in FIGS. 3-8, discloses structural beams (i.e., vertical beams 20 and horizontal beams 21) and connecting means (i.e., angle brackets 22) connected to the vertical and horizontal beams (20, 21) by respective bolts (23, 24). In the Office Action, the article support member of the present application has been equated to the horizontal beam (21), and the mounting mechanism of the present application has been equated to the angle bracket (22).

Since, according to presently amended claim 1 and as seen in FIGS. 21-23, the article support member (722) is operatively disposed between adjacent stringer elements (710) and the stringer elements (710) extend between support pedestals (12), the horizontal beams (21) of Kindorf can not be equated to the article support member (722) as suggested. If the article support member (722) is equated to the horizontal beam (21) of Kindorf, then the horizontal beam (21) must be operatively disposed between adjacent stringer elements (710) which Kindorf fails to teach and/or suggest, in the true sense of the meaning. Thus, the angle bracket (22) can not interconnect the article support member (722) and the at least one stringer element (710) if Kindorf fails to disclose a stringer element, in the true sense of the meaning.

Accordingly, it is therefore respectfully submitted that, in view of the amendments to claim 1 and in view of the arguments presented above, that claim 1 is allowable over Kindorf. Since claims 2-4 depend, either directly or indirectly, from claim 1 and contain all of the features of claim 1, for the reasons presented above for the patentability of claim 1, it is respectfully submitted that claims 2-4 are also patentable over Kindorf.

It is respectfully submitted that the Kindorf Patent fails to teach and/or suggest claim 8. Claim 8, presently recites an article support apparatus for use with a raised floor system including support pedestals, stringer elements extending *between* support pedestals, and floor panels disposed atop the stringer elements, the article support apparatus including, *inter alia*, an article support member *operatively disposed between adjacent stringer elements*, the article support member being configured and dimensioned to support articles thereon; and at least one suspension assembly adapted to connect the article support member to at least one stringer element of the raised floor system such that the article support member is suspended from the at least one stringer element.

Claim 8 has been amended herein in a manner substantially similar to claim 1. Accordingly, all of the arguments presented above regarding the patentability of claim 1 over Kindorf apply equally here with regard to the patentability of claim 8 over Kindorf. In particular, if the article support member (722) is equated to the horizontal beam (21) of Kindorf, then the horizontal beam (21) must be operatively disposed between adjacent stringer elements (710) which Kindorf fails to teach and/or suggest. Thus, the angle

bracket (22) can not interconnect the article support member (722) and the at least one stringer element (710) if Kindorf fails to disclose a stringer element.

Accordingly, it is therefore respectfully submitted that, in view of the amendments to claim 8 and in view of the arguments presented above, that claim 8 is allowable over Kindorf. Since claims 11 and 13 depend, either directly or indirectly, from claim 8 and contain all of the features of claim 8, for the reasons presented above for the patentability of claim 8, it is respectfully submitted that claims 11 and 13 are also patentable over Kindorf.

Claims 1-4, 8, 11 and 13 are rejected under 35 U.S.C. §102(b) as being anticipated by Olson (U.S. Patent 5,938,367). It is respectfully submitted that claims 1 and 8, as amended herein, are allowable over the Olson Patent.

It is respectfully submitted that the Olson Patent fails to teach and/or suggest claims 1 and 8. The Olson Patent discloses an automatic piston lock mechanism including, *inter alia*, upright columns (18) interconnected by horizontal members or beams (14) including end connectors (12) having studs (22) extending therefrom for selectively engaging slots (20) formed in the upright columns (18).

The Olson Patent fails to teach or suggest an article support member operatively disposed *between* adjacent stringer elements, and at least one mounting mechanism or suspension assembly connectable to at least one stringer element such that the article support member *depends from or is suspended from* the at least one stringer element, wherein the stringer elements extend between support pedestals.

In the Office Action, the article support member of the present application has been equated to the horizontal beam (14), and the mounting mechanism or suspension assembly of the present application has been equated to the end connectors (12). Since, according to presently amended claims 1 and 8 and as seen in FIGS. 21-23, the article support member (722) is operatively disposed between adjacent stringer elements (710) and the stringer elements (710) extend between support pedestals (12), the horizontal beams (14) of Olson can not be equated to the article support member (722) as suggested. If the article support member (722) is equated to the horizontal beam (14) of Olson, then the horizontal beam (14) must be operatively disposed between adjacent stringer elements (710) which Olson fails to teach and/or suggest, in the true sense of the meaning. Thus, the end connectors (12) can not interconnect the article support member (722) and the at least one stringer element (710) if Olson fails to disclose a stringer element, in the true sense of the meaning.

Accordingly, it is therefore respectfully submitted that, in view of the amendments to claims 1 and 8, and in view of the arguments presented above, that claims 1 and 8 are allowable over Olson. Since claims 2-4 depend, either directly or indirectly, from claim 1 and contain all of the features of claim 1, for the reasons presented above for the patentability of claim 1, it is respectfully submitted that claims 2-4 are also patentable over Olson. Since claims 11 and 13 depend, either directly or indirectly, from claim 8 and contain all of the features of claim 8, for the reasons presented above for the patentability of claim 8, it is respectfully submitted that claims 11 and 13 are also patentable over Olson.

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bowman (U.S. Patent 4,637,185). It is respectfully submitted that claim 15, as amended herein, is allowable over the Bowman Patent.

It is respectfully submitted that the Bowman Patent fails to teach and/or suggest claim 15. Claim 15, presently recites a method of installing an article support apparatus in a raised floor system which includes a plurality of support pedestals, stringer elements and floor panels, the method including the steps of, *inter alia*, providing an article support apparatus configured and dimensioned to support articles thereon, and a suspension assembly including an adjustable fastener for *suspending* the article support apparatus from at least one stringer element.

Rather, Bowman, as seen in FIGS. 1 and 10, discloses trench ducts including, *inter alia*, a subfloor made from corrugated decking (51), and a plate mechanism (5, 67) placed on top of the decking (51). As stated in Bowman, col. 4, line 67 to col. 5, line 4, the plate mechanism is rectangular in shape and is coextensive with the length of the side rails and extends between the side rails and slightly beyond same to provide space for securing the plate *to the crests of the subfloor* or to be anchored to a concrete floor. Also, at col. 6, lines 38-41, Bowman states that the plate mechanism (67) extends between the side rails and slightly outwardly thereof so as to provide area for securing the plate mechanism *to the crests of the decking (51)*.

In the Office Action, the article support apparatus of claim 15 has been equated to the plate mechanism (67) of Bowman. Since the plate mechanism (67) of Bowman is shown and described as being *placed on top* of the crest of the decking (51), it is respectfully submitted that Bowman can not render claim 15 obvious in that the article

support apparatus is *suspended* from at least one stringer element. In fact, it would appear from FIG. 10 of Bowman that the elements which have been equated to the stringer elements of the present application (i.e., elements 95, as seen in FIG. 11 of Bowman) are placed on top of the plate mechanism (67) and it is the plate mechanism (67) which supports the “stringer element” (95).

Accordingly, it is therefore respectfully submitted that, in view of the amendment to claim 15, and in view of the arguments presented above, that claim 15 is allowable over Bowman, either taken alone or in any proper combination with the other references of record herein.

Claims 1-4, 8, 11 and 13-15 are provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-4, 8, 11 and 13-15 of copending Application No. 09/818,318.

It is respectfully submitted that in view of the amendments made to claims 1, 8 and 15 herein have simultaneously overcome the provisional double patenting rejection of claims 1-4, 8, 11 and 13-15 under 35 U.S.C. §101.

In view of the amendments made to the specification and the claims, and in view of the remarks presented above, it is respectfully submitted that each of the rejections of the claims in the present Office Action has been overcome.

It is respectfully submitted that none of the references of record, considered individually or in any proper combination, disclose or suggest the present invention as claimed.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicants' undersigned representative at the number indicated below.

An early and favorable response is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Raymond E. Farrell', written over a horizontal line.

Raymond E. Farrell
Registration No. 34,816
Attorney for Applicant

Carter, De Luca, Farrell & Schmidt, LLP
445 Broad Hollow Rd., Suite 225
Melville, New York 11747
Tel.: (631) 501-5700
Fax.: (631) 501-3526